

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-1381

ASRAT AWOKE CHERU,

Petitioner,

versus

JOHN ASHCROFT, United States Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration
Appeals. (A75-334-557)

Submitted: December 3, 2004

Decided: January 25, 2005

Before NIEMEYER, TRAXLER, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Asrat Awoke Cheru, Petitioner Pro Se. Raymond Smith, IMMIGRATION
& NATURALIZATION SERVICE, Arlington, Virginia; Emily Anne Radford,
Terri Leon-Benner, UNITED STATES DEPARTMENT OF JUSTICE, Washington,
D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Asrat Awoke Cheru, a native and citizen of Ethiopia, petitions for review of the Board of Immigration Appeals' order affirming without opinion the immigration judge's decision denying asylum and withholding from removal. For the reasons discussed below, we deny the petition for review.

The decision to grant or deny asylum relief is conclusive "unless manifestly contrary to the law and an abuse of discretion." 8 U.S.C. § 1252(b)(4)(D) (2000). We have reviewed the immigration judge's decision and the administrative record and find the record supports the conclusion that Cheru failed to establish past persecution or a well founded fear of persecution. See 8 C.F.R. § 1208.13(a) (2004) (stating that the burden of proof is on the alien to establish his eligibility for asylum); INS v. Elias-Zacarias, 502 U.S. 478, 483 (1992). Because the decision in this case is not manifestly contrary to law, we cannot grant the relief Cheru seeks.*

Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED

*Cheru does not challenge the denial of his application for withholding from removal.